

B1 35. (Amended once) The deformable housing assembly of claim 34, wherein the feedthrough pin is constructed from a one of the following materials: Nb, Ni, Ti, Mo, or Ta;

wherein the sealing glass is a one of the following: 9013 glass, CABAL-12, or Ta-23 glass; and

wherein the ferrule is constructed from a one of the following materials: MP-35N, 304L stainless steel or titanium 6-4.

B2 38. (Amended once) The deformable housing assembly of claim 1, wherein the implantable medical device is one of the following: a pacemaker, a monitoring device, a nerve stimulator, a pacemaker/cardioverter/defibrillator, or an implantable cardioverter/defibrillator.

B3 41. (Amended once) The deformable housing assembly of claim 1, wherein the housing is further defined by a perimeter, the perimeter having a significant curvilinear portion.

### REMARKS

Claims 29 and 42-49 are cancelled, without prejudice or disclaimer of the subject matter contained therein, and claims 35, 38, and 41 are amended.

No new matter has been added as a result of these amendments. The following remarks are respectfully submitted.

#### I. Election / Restrictions

Applicants have cancelled claims 42-49 rendering the restriction requirement moot. Accordingly, Applicants respectfully request that the restriction requirement be withdrawn.

#### II. Drawings

The drawings stand objected to under 37 CFR 1.83(a). Attached herewith is the drawing for Figure 13 showing proposed changes in red for approval by the

Examiner per 37 CFR 1.121(d). According to the request of the Examiner, the proposed changes show the antenna as item 701 coupled to or embedded into the deformable flexible substrate. Additionally, paragraph 2 on page 22 has been amended to identify an antenna coil as item 701. Accordingly, Applicants respectfully request that the objection to the drawings be withdrawn.

In compliance with the Examiner's requirement, and filed separately with a transmittal letter addressed the Official Draftsperson, per MPEP §6.40, Applicants respectfully submit corrected drawings for Figures 4, 11A, 11B, and 12, as set forth in Applicant's request for corrected drawings filed on 5/28/02, and approved by the Examiner.

### **III. Objections to the Claims**

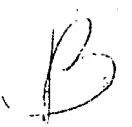
Claim 41 stands objected to because of informalities. Applicants wish to extend their gratitude to the Examiner for bringing the informalities to their attention. Claim 41 has been amended, according to the suggestion of the Examiner, changing "significant portion curvilinear" to --significant curvilinear portion--. Accordingly, it is respectfully requested that the objections be withdrawn.

### **IV. Specification**

The amendment filed 5/13/02 stands objected to under 35 USC §132 because it introduces new matter to the disclosure. The added material regarding the method of assembling a battery into a housing assembly, as set forth on page 3 of Applicant's response, has been canceled per the Examiner's requirement. Accordingly, Applicant respectfully requests that the objection be withdrawn.

### **V. Rejections under 35 USC §112**

Claims 29, and 42-49 stand rejected under 35 USC § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the



inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 29, and 42-49 have been cancelled, without prejudice or disclaimer of the subject matter contained therein. Accordingly, it is respectfully requested that the rejection be withdrawn.

Claims 35, and 38 stand rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 35 has been amended to remove the phrase "or any other suitable ferrule material", and claim 38 has been amended to remove the phrase "or any other implantable medical device that utilizes a battery". Accordingly, the scopes of claims 35 and 38 have been clarified and Applicants respectfully request that the rejections be withdrawn.

**VI. Allowable Subject Matter**

Claims 1, 14, 17, 20, 25, 28, 30-34, 36-37, 39-40 are allowed.


Claim 35, properly dependent upon allowed claim 34, has been rewritten to overcome the rejection under 35 USC § 112, second paragraph. Therefore, Applicant respectfully requests that Claim 35 be allowed.

Claim 38, properly dependent upon allowed claim 1, has been rewritten to overcome the rejection under 35 USC § 112, second paragraph. Therefore, Applicant respectfully requests that Claim 38 be allowed.

Claim 41, properly dependent upon allowed claim 1, has been rewritten to overcome the minor informality objection. Therefore, Applicant respectfully requests that claim 41 be allowed.

**VII. Reference to Marked-up Version of Changes**

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE**".



**VII. Conclusion**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned attorney to attend to these matters.

Respectfully submitted,

Date: September 12, 2002

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In the specification:**

Paragraph 2, page 22, lines 9-13:

The antenna of an implantable medical device of the present invention may be advantageously enlarged so as to circle the perimeter of the IMD. This allows for a greater range of sensitivity to facilitate IMD telemetry. According to one approach, the antenna may be implemented integrally with the flexible substrate 70, either as a routed antenna or as a coil 701 laminated into the flexible substrate 70.

Attached herewith is the drawing for Figure 13 showing proposed changes in red for approval by the Examiner per 37 CFR 1.121(d).

**In the claims:**

35. (Amended once) The deformable housing assembly of claim 34, wherein the feedthrough pin is constructed from a one of the following materials: Nb, Ni, Ti, Mo, or Ta;

wherein the sealing glass is a one of the following: 9013 glass, CABAL-12, or Ta-23 glass; and

wherein the ferrule is constructed from a one of the following materials: MP-35N, 304L stainless steel[, or titanium 6-4[, or any other suitable ferrule material for organic electrolyte lithium batteries].

38. (Amended once) The deformable housing assembly of claim 1, wherein the implantable medical device is one of the following: a pacemaker, a monitoring device, a nerve stimulator, a pacemaker/cardioverter/defibrillator, or an implantable cardioverter/defibrillator[, or any other implantable medical device which utilizes a battery].

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41. (Amended once) The deformable housing assembly of claim 1, wherein the housing is further defined by a perimeter, the perimeter having a significant curvilinear portion [curvilinear].

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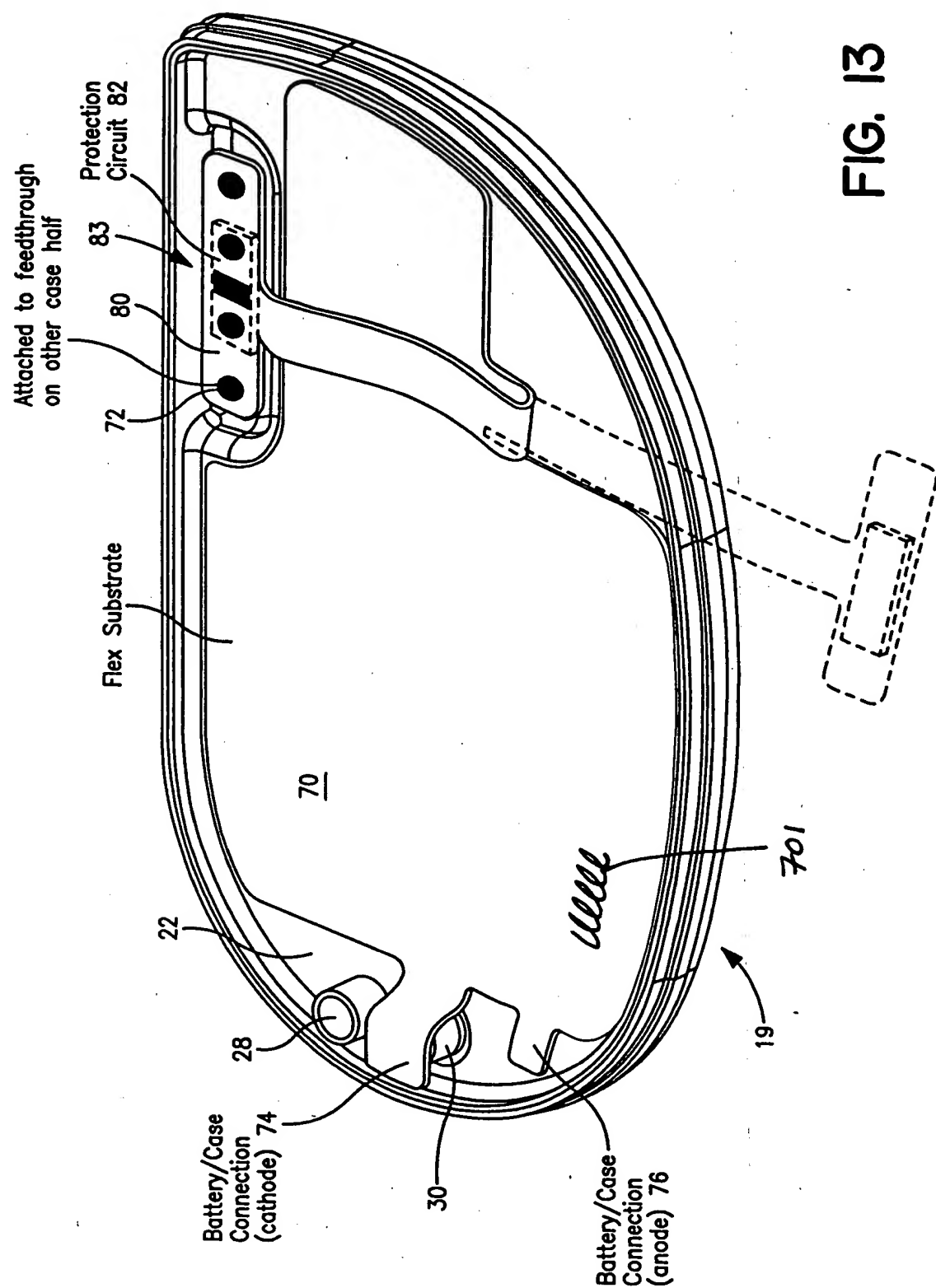
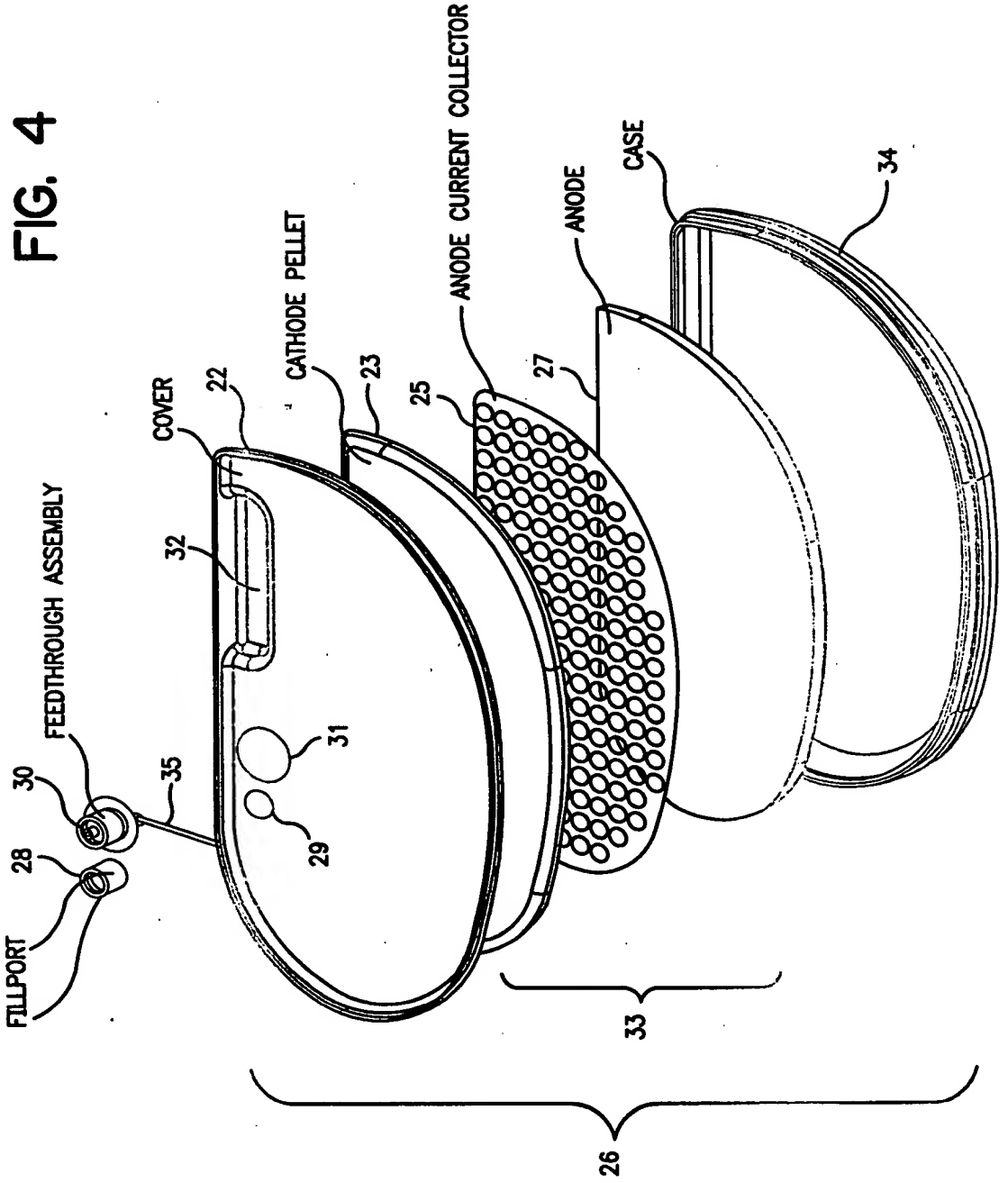


FIG. 13

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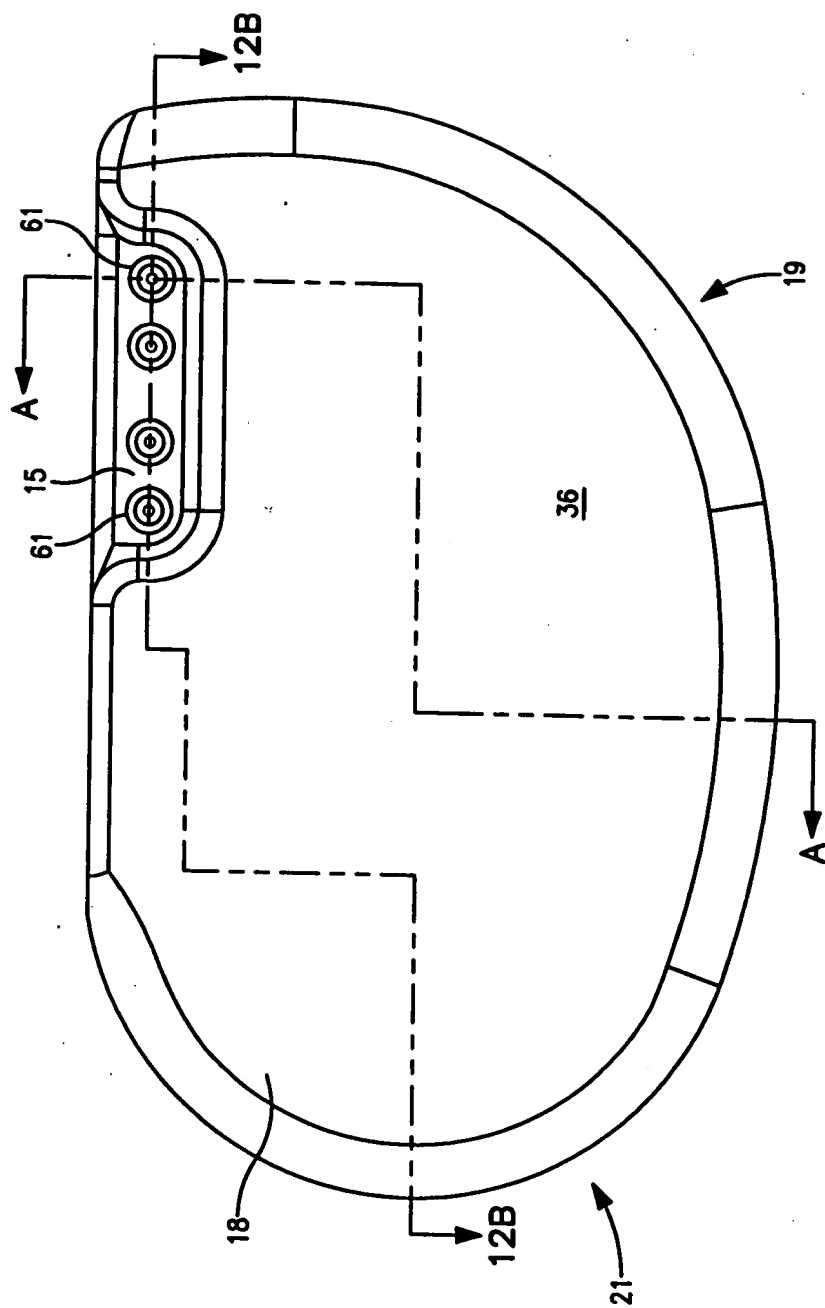


FIG. 12A